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Application Number	09/835,376
Filing Date	April 7, 2001
Inventor(s)	David A. Jablow
Group Art Unit	2155
Examiner Name	S. Ismail
Attorney Docket Number	129250-000902/US

ENCLOSURES (check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC	Attorney Name	John E. Curtin	Reg. No.	37,602
Signature					
Date	July 9, 2007				



IN THE U.S. PATENT AND TRADEMARK OFFICE

Application No.: 09/835,376

Filing Date: April 17, 2001

Applicant: David A. JABLOW

Group Art Unit: 2155

Examiner: Shawki S. Ismail

Title: METHODS AND SYSTEMS FOR PROVIDING
PERSONALIZED NOTIFICATION

Attorney Docket: 129250-000902/US

APPLICANT'S/APPELLANT'S BRIEF ON APPEAL (revised)

MAIL STOP APPEAL BRIEF - PATENTS

Customer Service Window
Randolph Building
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July 9, 2007

APPELLANTS' BRIEF ON APPEAL
U.S. Application No.: 09/835,376
Atty. Docket: 129250-000902/US



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APPELLANT'S BRIEF ON APPEAL

I. REAL PARTY IN INTEREST:

The real party in interest in this appeal is Lucent Technologies Inc. Assignment of the application was submitted to the U.S. Patent and Trademark Office and recorded at Reel 011980, Frame 0919.

II. RELATED APPEALS AND INTERFERENCES:

There are no known appeals or interferences that will affect, be directly affected by, or have a bearing on the Board's decision in this Appeal.

III. STATUS OF CLAIMS:

Claims 1-5, 8-24, 27-39 and 42-52 are pending in the application, with claims 1, 20 and 35 written in independent form.

Claims 1-5, 8-24, 27-39 and 42-52 were finally rejected under 35 U.S.C. §103(a). Claims 1-5, 8-24, 27-39 and 42-52 are being appealed.

IV. STATUS OF AMENDMENTS:

A Request for Reconsideration ("Request") was filed on December 4, 2006. In an Advisory Action dated December 20, 2006, the Examiner stated that the Request was considered but did not place the application in condition for allowance. Further, the Examiner stated that the claim amendments contained in the Request would not be entered. Though Appellant disagrees with the Examiner's decision he has chosen to proceed with the instant appeal without relying upon the amendments made in the Request.

V. SUMMARY OF CLAIMED SUBJECT MATTER:

(i). Overview of the Subject Matter of the Independent Claims

The present invention is directed at personalized notifications. In particular, such notifications concern an event a user (of a claimed notification system or method) is participating in. More specifically, independent claim 1 reads as follows (specification citations follow in parenthesis):

**1. A system for providing personalized notification comprising:
a controller adapted to compare personal information and administrative information related to an event a user is participating in and further adapted to send a personalized notification, using a user's preferred method of notification, to the user concerning the user's participation in the event.**

(see specification, paragraphs [0005] through [0009], [0019], [0020], [0026], [0029] through [0035], and [0042] through [0045], and [0050] for example).

For example, in one or more of the paragraphs cited above it is explained that the claimed invention is directed at, among other things, sending a personalized notification concerning an event a user *is participating in* using the user's preferred method of notification. In particular, paragraph [0034] discusses the fact that an event is occurring while paragraphs [0043] through [0048] discuss the personalized notification process.

**20. A method for providing personalized notification comprising:
comparing personal information and administrative information related to an event a user is participating in; and
sending a personalized notification, using a user's preferred method of notification, to the user concerning the user's participation in the event.**

(see specification, paragraphs [0005] through [0009], [0019], [0020], [0026], [0029] through [0035], and [0042] through [0045], and [0050] for example).

For example, in one or more of the paragraphs cited above it is explained that the claimed invention is directed at, among other things, sending a personalized notification concerning an event a user *is participating in* using the user's preferred method of notification. In particular, paragraph [0034] discusses the fact that an event is occurring while paragraphs [0043] through [0048] discuss the personalized notification process.

35. A programmed medium adapted to compare personal information and administrative information related to an event a user is participating in and further adapted to send a personalized notification, using a user's preferred method of notification, to the user concerning the user's participation in the event.

(see specification, paragraphs [0005] through [0009], [0019], [0020], [0026], [0029] through [0035], and [0042] through [0045], [0049] and [0050] for example).

For example, in one or more of the paragraphs cited above it is explained that the claimed invention is directed at, among other things, sending a personalized notification concerning an event a user *is participating in* using the user's preferred method of notification. In particular, paragraph [0034] discusses the fact that an event is occurring while paragraphs [0043] through [0048] discuss the personalized notification process. Further, paragraph [0049] it is explained that a programmed medium may be used to carry out features and functions of the invention.

In order to make the overview set forth above concise the disclosure that has been included, or referred to, above only represents a portion of the total disclosure set forth in the Specification that supports the independent claims.

(ii). The Remainder of the Specification Also Supports the Claims

The Appellant notes that there may be additional disclosure in the Specification that also supports the independent and dependent claims. Further, by referring to the disclosure above the Appellant does not represent that this is the only evidence that supports the independent claims nor does Appellant necessarily represent that this disclosure can be used to fully interpret the claims of the present invention. Instead, this disclosure is an overview of the claimed subject matter.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL:

Appellant seeks the Board's review and reversal of the rejection of claims 1-5, 8-24, 27-39 and 42-52 under 35 U.S.C. §103(a) based on a combination of U.S. Patent No. 6,454,650 to Aronin ('Aronin') and U.S. Patent No. 6,144,942 to Ruckdashel ('Ruckdashel').

VII. ARGUMENTS:

A. The Section 103 Rejections

Claims 1-5, 8-24, 27-39 and 42-52 were rejected under 35 U.S.C. §103(a) based on a combination of Aronin and Ruckdashel. Appellant disagrees for at least the following reasons.

As the Examiner admits, Aronin does not disclose the sending of a personalized notification, using a user's preferred method of notification, to a user concerning the user's participation in an event as in the claims of the present invention. To make up for this deficiency the Examiner relies upon Ruckdashel.

Ruckdashel, however, does not disclose or suggest the sending of a notification using a user's preferred method of notification concerning an event the user *is participating in*. Ruckdashel is similar to the references that the

Examiner has previously asserted and withdrawn in that it pertains to events a user may participate in.

For example, Ruckdashel states that a notification may be sent “to notify one of the users....of upcoming events on their schedules” (column 4, lines 14-15), or sent “as the specified appointment approaches” (column 5, line 34).

As the Appellant has stated before, the present claims are not directed to an event a user is interested in or may participate in. Instead, the present claims are directed to events a user is “participating in” and related notifications.

Further, Appellant has pointed out (and reiterates now) that the claims include a notification that is: (1) sent via a preferred method of notification; and (2) is related to an event a user is participating in. While Ruckdashel may disclose the former, it does not disclose or suggest the latter.

On page 5 of the Final Office Action, under the heading “Response to Arguments” the Examiner states that “the claims are given their broadest reasonable interpretation” as a rationale for maintaining the pending rejections. Further, the Examiner states that because the claims do not “specify their participation level or type of participation” the fact “that the user or individual is scheduled to partake in an event and is receiving notification...[the user] is by definition a participant in the event”. Applicant respectfully disagrees.

Notwithstanding the Examiner’s position that the claims are given their broadest possible interpretation, such an interpretation must be consistent with the meaning of the words in the specification and cannot distort the meaning of the words in a claim.

Though it is not altogether clear to the Appellant what the Examiner’s exact position is, it appears that the Examiner is equating the reception of a notification about an event a user is scheduled to participate in with a notification concerning an event a user is participating in. However, a

notification in and of itself is not participation. Further, the claims use the present, active tense, "is participating in" while Ruckdashel is aimed at a user's future, planned participation.

Accordingly, Appellant respectfully submits that claims 1-5, 8-24, 27-39 and 42-52 would not have been obvious to one of ordinary skill in the art at the time the present application was filed based on the disclosures of Aronin and Ruckdashel.

Conclusion:

Appellant respectfully requests that the members of the Board reverse the decision of the Examiner and allow claims 1-5, 8-24, 27-39 and 42-52.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

Capitol Patent & Trademark Law Firm, PLLC

By: _____

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VIII. CLAIMS APPENDIX

1. A system for providing personalized notification comprising:
a controller adapted to compare personal information and administrative information related to an event a user is participating in and further adapted to send a personalized notification, using a user's preferred method of notification, to the user concerning the user's participation in the event.
2. The system as in claim 1 wherein the event is a lottery.
3. The system as in claim 1 wherein the event is a sports or entertainment event.
4. The system as in claim 1 wherein the event is an educational event.
5. The system as in claim 1 wherein the event is an exam.
6. (Cancelled)
7. (Cancelled)
8. The system as in claim 1 wherein the controller is further adapted to send the notification via email.
9. The system as in claim 1 wherein the controller is further adapted to send the notification via a daytime telephone number.

10. The system as in claim 1 wherein the controller is further adapted to send the notification via a nighttime telephone number.

11. The system as in claim 1 wherein the controller is further adapted to send the notification via facsimile.

12. The system as in claim 1 wherein the controller comprises a server.

13. The system as in claim 1 wherein the controller comprises an Internet server.

14. The system as in claim 1 further comprising a user database adapted to store the personal information.

15. The system as in claim 1 further comprising an administrative database adapted to store the administrative information.

16. The system as in claim 1 further comprising a user network access unit adapted to send the personal information to the controller.

17. The system as in claim 1 further comprising an administrative network access unit adapted to send the administrative information to the controller.

18. The system as in claim 1 wherein the personal information comprises a lottery number.

19. The system as in claim 1 wherein the administrative information comprises a winning lottery number.

20. A method for providing personalized notification comprising:
comparing personal information and administrative information related to an event a user is participating in; and
sending a personalized notification, using a user's preferred method of notification, to the user concerning the user's participation in the event.

21. The method as in claim 20 wherein the event is a lottery.

22. The method as in claim 20 wherein the event is a sports or entertainment event.

23. The method as in claim 20 wherein the event is an educational event.

24. The method as in claim 20 wherein the event is an exam.

25. (Cancelled).

26. (Cancelled).

27. The method as in claim 20 further comprising sending the notification via email.

28. The method as in claim 20 further comprising sending the notification via a daytime telephone number.

29. The method as in claim 20 further comprising sending the notification via a nighttime telephone number.

30. The method as in claim 20 further comprising sending the notification via facsimile.

31. The method as in claim 20 further comprising storing the personal information.

32. The method as in claim 20 further comprising storing the administrative information.

33. The method as in claim 20 wherein the personal information comprises a lottery number.

34. The method as in claim 20 wherein the administrative information comprises a winning lottery number.

35. A programmed medium adapted to compare personal information and administrative information related to an event a user is participating in and further adapted to send a personalized notification, using a user's preferred method of notification, to the user concerning the user's participation in the event.

36. The programmed medium as in claim 35 wherein the event is a lottery.

37. The programmed medium as in claim 35 wherein the event is a sports or entertainment event.

38. The programmed medium as in claim 35 wherein the event is an educational event.

39. The programmed medium as in claim 35 wherein the event is an exam.

40. (Cancelled).

41. (Cancelled).

42. The programmed medium as in claim 35 further adapted to send the notification via email.

43. The programmed medium as in claim 35 further adapted to send the notification via a daytime telephone number.

44. The programmed medium as in claim 35 further adapted to send the notification via a nighttime telephone number.

45. The programmed medium as in claim 35 further adapted to send the notification via facsimile.

46. The programmed medium as in claim 35 further adapted to store the personal information.

47. The programmed medium as in claim 35 further adapted to store the administrative information.

48. The programmed medium as in claim 35 wherein the personal information comprises a lottery number.

49. The programmed medium as in claim 35 wherein the administrative information comprises a winning lottery number.

50. The programmed medium as in claim 35 wherein the medium comprises a CD.

51. The programmed medium as in claim 35 wherein the medium comprises a magnetic storage device.

52. The programmed medium as in claim 35 wherein the medium comprises a digital storage device.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.